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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS AND JURY  
DEMAND**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Andrew Mattle (Plaintiff)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

N/A

3. Other Plaintiff and capacity (i.e. administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

California

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of injury:

California

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

California

- 1       7. District Court and Division in which venue would be proper absent direct  
2       filing:  
3       U.S. District Court – Central District of California (Los Angeles) Division
- 4       8. Defendants (check Defendants against whom Complaint is made):  
5       ☒ C.R. Bard Inc.  
6       ☒ Bard Peripheral Vascular, Inc.
- 7       9. Basis of Jurisdiction:  
8       ☒ Diversity of Citizenship  
9       ☐ Other: \_\_\_\_\_  
10      ☐ Other allegations of jurisdiction and venue not expressed in Master  
11      Complaint:  
12      \_\_\_\_\_  
13      \_\_\_\_\_  
14      \_\_\_\_\_
- 15      10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is (are) making  
16      a claim (check applicable Inferior Vena Cava Filter(s)):  
17      ☐ Recovery<sup>®</sup> Vena Cava Filter  
18      ☐ G2<sup>®</sup> Vena Cava Filter  
19      ☐ G2<sup>®</sup> Express (G2<sup>®</sup> X) Vena Cava Filter  
20      ☒ Eclipse<sup>®</sup> Vena Cava Filter  
21      ☐ Meridian<sup>®</sup> Vena Cava Filter  
22      ☐ Denali<sup>®</sup> Vena Cava Filter  
23      ☐ Other: \_\_\_\_\_
- 24      11. Date of implantation as to each product:  
25      April 11, 2011  
26      \_\_\_\_\_
- 27      12. Counts in the Master Complaint brought by Plaintiff(s):  
28      ☒ Count I: Strict Products Liability – Manufacturing Defect

- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
  - ☒ Count III: Strict Products Liability – Design Defect
  - ☒ Count IV: Negligence - Design
  - ☒ Count V: Negligence - Manufacture
  - ☐ Count VI: Negligence – Failure to Recall/Retrofit
  - ☒ Count VII: Negligence – Failure to Warn
  - ☒ Count VIII: Negligent Misrepresentation
  - ☒ Count IX: Negligence *Per Se*
  - ☒ Count X: Breach of Express Warranty
  - ☒ Count XI: Breach of Implied Warranty
  - ☒ Count XII: Fraudulent Misrepresentation
  - ☒ Count XIII: Fraudulent Concealment
  - ☐ Count XIV: Violations of Applicable \_\_\_\_\_ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
  - ☐ Count XV: Loss of Consortium
  - ☐ Count XVI: Wrongful Death
  - ☐ Count XVII: Survival
  - ☒ Punitive Damages
  - ☐ Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of April, 2019.

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3 **MARTIN BAUGHMAN, PLLC**

4  
5 By: /s/ Ben C. Martin

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13 Facsimile: 214.744.7590

14  
15 ***ATTORNEYS FOR PLAINTIFF***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of April, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin

Ben C. Martin